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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/731,247 | 12/10/2003 | Kazuhiko Ohtsuki | 1963.0150000/TGD/EDH | 5764 |
| 26111 | 7590 | 10/16/2006 | EXAMINER | |
| STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | SPISICH, GEORGE D | |
| | | | ART UNIT | PAPER NUMBER |

3616

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/731,247 | Applicant(s) OHTSUKI ET AL. | |
| | Examiner George D. Spisich | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 7-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1, claims 1-6 in the reply filed on August 10, 2006 is acknowledged.

Accordingly, claims 1-6 have been examined in this Office Action, and claims 7-21 relate to non-elected inventions and have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 15-16, the phrase "along the longitudinal axis of the vehicle" is unclear

In claim 2, line 15, "displaced downward" is unclear. The term "downward" is not clearly describing a longitudinal direction or a vertical direction.

In claim 3, line 2, the phrase "along the longitudinal axis of the vehicle" is unclear.

In claim 6, line 3, the phrase "so as to bearing support" is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nemoto (USPN 6,419,041).

Nemoto discloses a frame structure of a vehicle comprising a flywheel housing (31), an intermediate housing (32) and a transmission case (90) that are connected to each other along a longitudinal axis of the vehicle to constitute a vehicle frame with an inner space for accommodating a running power transmission path for transmitting power from an engine to drive wheels via a forward/rearward movement switching unit, wherein the flywheel housing has a first end (30a) connected to the engine and a second open end opposite to the first end along the longitudinal axis of the vehicle. The flywheel housing has a hollow shape with a center axis coaxial with a crankshaft of the engine.

The intermediate housing has a hollow shape with a first end and a second end located along the longitudinal axis of the vehicle, the first end has an abutting surface against which the second end of the flywheel housing abuts, a support surface located radially inwardly of the abutting surface so as to support the forward/rearward

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movement switching unit (via support 25) and an opening surrounded by the support surface, the opening serving as a first-end opening of the intermediate housing along the longitudinal axis of the vehicle. The intermediate housing has a hollow body portion and a flange portion, the hollow body having a first end and a second end defines a longitudinal center axis "displaced downward" from the crank shaft. The flange is located closer to the first end of the hollow body, and the flange having an opening in a radial center thereof, the opening of the flange portion serving as a first-end opening of the intermediate housing along the longitudinal axis of the vehicle.

The flange portion has a radially outward portion radially outwardly extending from an upper part of the body portion and a radially inward portion radially inwardly extending from a lower part of the body portion, so that the abutting surface located opposite to the second abutting surface of the flywheel housing, a support surface located radially inward of the abutting surface so as to support the forward/rearward movement switching unit and the first-end opening located radially inward of the support surface are defined.

The abutting surface and the support surface are located so that at least a portion of the forward/rearward movement switching unit is accommodated within the flywheel housing.

Broadly, the forward/rearward movement switching unit includes a reverser housing supported on the support surface and a reverser unit accommodated in the reverser housing, the housing has a body and an end wall that abuts the support surface so as to close the first opening of the intermediate housing and a peripheral wall

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extending from a peripheral edge of the end wall towards a first side of the vehicle along the longitudinal axis of the vehicle and the reverser housing being arranged so as to seal an inner space of the flywheel housing against the inner space of the intermediate housing in a liquid tight manner.

The transmission case accommodates a main-speed change unit of the running-power transmission path, and the intermediate housing has a transmission shaft passing therethrough to connect the forward/rearward movement switching unit to the main-speed change unit. There is a center plate interposed between the intermediate housing and the transmission case to bearing-support the transmission shaft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nemoto et al. (USPN 5,058,455), Matsufuji (USPN 5,690,001), Matsufuji et al. (USPUB 2002/0026853), Walquist (USPN 3,712,404), Horii et al. (USPN 4,716,775), Tsuda (USPUB 2003/0136602).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
September 20, 2006



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